

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Luca De Morais BORGES

Case No.

Case: 2:22-mj-30370

Assigned To : Unassigned

Assign. Date : 8/30/2022

Description: RE: LUCA DE
MORAIS BORGES (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 20, 2022 in the county of St. Clair in theEastern District of Michigan, the defendant(s) violated:*Code Section*Title 8, United States Code, Section 1325(a)(1) and
(a)(2)*Offense Description*

Improper Entry by Alien

This criminal complaint is based on these facts:

On or about August 20, 2022, at or near Detroit, Michigan in the Eastern District of Michigan, Southern Division, Luca De Morais BORGES, an alien from Brazil was found in the U.S. after entering or attempting to enter the U.S. at any time or place other than as designated by immigration officers; in violation of Title 8, USC, Section 1325(a)(1) and (a)(2).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: August 30, 2022City and state: Detroit, MI

Complainant's signature

Jeffrey Erdmann, TFA

Printed name and title



Judge's signature

David R. Grand, U.S. Magistrate Judge

Printed name and title

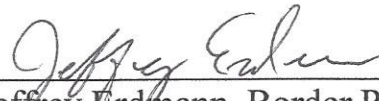
AFFIDAVIT

I, Jeffrey Erdmann, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security (DHS), United States Border Patrol. I have been employed in this capacity since October 2006. Currently, I am assigned as a Task Force Agent to the DHS Alliance Task Force. The facts set forth herein are based upon my personal knowledge, information provided by other law enforcement officers, record checks of law enforcement databases, and immigration records relating to Luca De Morais BORGES, which reveal the following:
2. Luca De Morais BORGES is a thirty-four-year-old male native and citizen of Brazil who last entered the United States on August 20, 2022, without being inspected and admitted or paroled into the United States by an immigration officer.
3. On August 20, 2022, Border Patrol Agents were conducting line-watch duties near Port Huron, Michigan along with agents from the Air and Marine Office (AMO). At approximately 1500 hours, AMO Agents observed three individuals riding a blue jet ski leave Sarina Bay Marina, Ontario, Canada. Recorded video from Air and Marine Office Agent shows that the operator of the jet ski (wearing a grey lifejacket) drive the jet ski to a beach located near Port Huron, MI. Agents observed the individuals wearing the red and yellow lifejackets exit the jet ski and take off their lifejackets handing the lifejackets to the individual in the grey lifejacket (the operator). After receiving the lifejackets, the jet ski operator traveled eastbound on the blue jet ski just north of the St. Clair River. The two passengers of the jet ski left the beach and started walking northbound on Gratiot Avenue from Krafft Road.
4. At approximately 1530 hours, Border Patrol Agents and the AMO Agents observed the two individuals enter a silver 2022 Toyota Corolla (MA#FEW42). Border Patrol Agents conducted a vehicle stop on MacDonald Rd. near Fairway Drive. BPA Vincent approached the passenger side of the vehicle, identified himself as a Border Patrol Agent, and asked the subject for identification. The subject handed both his and the rear passenger's passports to BPA Vincent. The front passenger was identified as Julio Cezar Ferreira NUNES (DOB 03/19/1987; COC: Brazil). When Agent Vincent asked NUNES if he was unlawfully present in the United States, he answered, "Yes." The back passenger was identified as Luca De Morais BORGES (DOB: 04/23/1988; COC: Brazil). When asked if he was

unlawfully present in the United States he answered, "Yes." Because BORGES had difficulty understanding English, NUNES assisted with translating English into Portuguese. Both subjects were placed under arrest and transported to the Marysville Border Patrol Station.

5. BORGES's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that BORGES is a citizen of Brazil who had been previously issued a B1/B2 visitor visa on or about February 5, 2013.
6. Records checks for BORGES identified him as a previous visa overstay in which he overstayed his period of admission in several separate occasions. He entered the U.S. on September 15, 2018 after presenting his B1/B2 visa and was granted a period of admission that ended on March 14, 2019; He left the U.S. on May 2, 2019. He last entered the U.S. on August 14, 2019 after presenting his B1/B2 visa. His period of admission ended on February 13, 2020. BORGES did not depart the U.S. until May 7, 2021. BORGES's visa was revoked on-or-about September 29, 2021. Records checks did not show any attempts to legally enter the U.S. on August 20, 2022.
7. During processing, BORGES stated that he was a citizen of Brazil and that he illegally entered the United States on August 20, 2022 by crossing the St. Clair River on a jet ski.
8. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
9. Based upon the above, probable cause exists to believe that Luca De Morais BORGES unlawfully entered the United States in violation of Title 8, United States Code, Section 1325(a)(1)(entering at a time and place other than as designated by immigration officers) and 1325(a)(2) (eluding examination or inspection by immigration officers).



Jeffrey Erdmann, Border Patrol Agent
United States Department of Homeland Security
United States Border Patrol

Sworn to before me and signed in my
presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

Dated: August 30, 2022